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PATENT APPLICATION
Docket No. 15436.437.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	James A. Cox, et al.)
Serial No.:	10/028,437) Art Unit
Filed:	December 28, 2001) 2828
For:	VERTICAL CAVITY SURFACE EMITTING LASER HAVING A GAIN GUIDE APERTURE INTERIOR TO AN OXIDE CONFINEMENT LAYER)
Confirmation No.:	4433)
Customer No.:	022913)
Examiner:	Hung T. Vy)

TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Declarant, Eric L. Maschoff, represents that he is the Attorney of Record for Finisar Corporation, a corporation of the State of Delaware, having a principal place of business at 1308 Moffett Park Drive, Sunnyvale, California 94089, and that he is authorized to make this Declaration and execute this Terminal Disclaimer on behalf of Finisar Corporation. Declarant further represents that Finisar Corporation is the assignee of the entire interest, as shown by the Assignment recorded at reel 014484, frame 0170 (a copy of which is attached hereto as Exhibit

A) in the records of the U.S. Patent and Trademark Office, of the above-identified application, and also of the parent application, now U.S. Serial No. 10/028,436 (as also shown by the recorded assignment at Exhibit A). Declarant hereby further certifies that the evidentiary document at Exhibit A has been reviewed by him/her, and to the best of the Declarant's knowledge and belief, title is in the Assignee seeking to take action.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of said U.S. Serial No. 10/028,436 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Serial No. 10/028,436, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application that would extend beyond the term of said U.S. Serial No. 10/028,436 in the event that said U.S. Serial No. 10/028,436 later: (a) expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (b) has all claims cancelled by a reexamination certificate; or (c) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Declarant further declares that all statements made herein of Declarant's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 8th day of December, 2004.

Respectfully submitted,



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El M/lat
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